THE HYDERABAD AGRICULTURAL INCOME-TAX ACT, 1950.

No. XIII OF 1950.

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*THE HYDERABAD AGRICULTURAL INCOME-TAX ACT, 1950.

No. XIII of 1950,

The following Act, received the assent of H. E. H. the Nizam on 11th April, 1950 and is hereby published for general information:—

WHEREAS the Constitution of India precludes the continued levy by the Hyderabad State of the tax imposed by the Income-tax Act, 1357 F. on income including agricultural income as defined in that Act;

And whereas it is expedient to provide for the levy by the Hyderabad State of a tax on agricultural income as defined in the said Constitution;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) The Act may be called the Hyderabad Agricultural Income-tax Act, 1950.

(2) It extends to the whole of the Hyderabad State.

(3) It shall be deemed to have come into force on the 1st day of April, 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) " agricultural income " means—

(1) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land revenue in the Hyderabad State or subject to a local rate assessed and collected by officers of the State as such;

(2) any income derived from such land by—

(*i*) agriculture, or

(*ii*) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(*iii*) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him in respect of which no process has been performed other than a process of the nature described in sub-clause (*ii*);

*Published in the Extraordinary Jarida No. (45) dated 12 th April, 1950.

(3) any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator, or the receiver of rent-in-kind, of any land with respect to which, or the produce of which, any operation mentioned in sub-clauses (*ii*) and (*iii*) of clause (2) is carried on :

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator or the receiver of the rent-in-kind by reason of his connection with the land, requires as a dwelling house, or as a store house, or other out-building ;

(*b*) " Agricultural Income-tax " means the tax payable under this Act ;

(*c*) " Agricultural Income-tax Officer " means a person appointed to be an Agricultural Income-tax Officer under sub-section (2) of section 18 ;

(*d*) " Agricultural year " means, the year commencing on the first day of June ;

(*e*) " Assessee " means a person by whom agricultural income-tax is payable ;

(*f*) " Commissioner " means a person appointed to be a Commissioner of Agricultural Income-tax under sub-section (2) of section 18 ;

(*g*) " Company " means a company incorporated or registered under any law for the time being in force in the Hyderabad State or elsewhere and includes any foreign association whether incorporated or not which the Government may, by general or special order, declare to be a company for the purposes of this Act ;

(*h*) " Deputy Commissioner " means a person appointed to be a Deputy Commissioner of Agricultural Income-tax under sub-section (2) of section 18 ;

(*i*) " Firm " has the same meaning as in the Hyderabad Partnership Act, 1351 F. ;

(*j*) " Landlord " means a landlord who leases his lands to a tenant;

(*k*) " Person " means any individual or association of individuals, owning or holding property for himself or for any other, or partly for his own benefit and partly for another, either as owner, trustee, receiver, common manager, administrator or executor or in any capacity recognised by law, and includes an undivided Hindu family, firm or company;

(*l*) " Prescribed " means prescribed by rules made under this Act ;

(*m*) " Previous year " means—

(*i*) in relation to the assessment for the financial year opening on the 1st day of April 1950, the period from the day

following that last day of the assessee's previous year as determined under the Income-tax Act, 1357 F. in relation to the Fasli year 1359F. to the 31st day of May 1950, both days inclusive ;

(*ii*) in relation to the assessment for every subsequent financial year, the agricultural year, the last day of which falls within the financial year for which the assessment is to be made, or, if the accounts of the assessee have been made up to a date within the said financial year in respect of a poerid of twelve months ending on any date other than the last day of agricultural year, then, at the option of the assessee, the twelve months ending on the day on which his accounts have been so made up :

Provided that where an assessee has once decided in any year that in his case the term 'previous year' shall be taken as a particular agricultural year or a period of twelve months, ending on a particular date, he shall not in future be entitled to vary in his case the meaning of the term 'previous year' except with the consent of the Agricultural Income-tax Officer and upon such conditions as the Agricultural Income-tax Officer may think fit ;

(*n*) "Principal officer" used with reference to a company or any other association means--

(*i*) the secretary, treasurer, manager or agent of the company or association ; or

(*ii*) any person connected with the company or association upon whom the Agricultural In-come-tax Officer has served a notice of his intention of treating him as principal office thereof ;

(*o*) "Received" used with reference to the receipt of agricultural income by a person shall include--

(*i*) receipt by an agent or servant on behalf of a principal or master respectively ;

(*ii*) receipt by other persons which are deemed to be his receipts under the provisions of this Act, and shall also include receipts of agricultural income by way of adjustment of accounts with any other person ;

(*p*) "Schedule" means a schedule appended to this Act ; and

(*q*) "Total agricultural income" means the aggregate of the amounts of agricultural income of the different classes specified in sections 6 and 7 as determined respectively in the manner laid down in the said section :

Provided that where in any year under either head of agricultural income specified in sections 6 and 7 it is computed that the sum on which the agricultural income-tax is payable by the assessee is a negative quantity, the assessee shall be deemed to have sustained a loss under that head to that extent and such loss shall be setoff against the sum computed under the other head of agricultural income as that on which agricultural income-tax is payable in the same year.

CHAPTER II.

Charge of Agricultural Income-tax.

Charge of agricultural income-tax.

3. For the financial year commencing on the 1st day of April, 1950 and for every subsequent financial year, agricultural income-tax shall be charged in accordance with, and subject to to the provisions of, this Act on the total agricultural income of the previous year of every person.

Application of the Act.

4. Save as hereinafter provided, this Act shall apply to all agricultural income derived from land situated in the Hyderabad State.

Limits of taxable income.

*[5. Agricultural income-tax shall be payable for the financial year commencing on the 1st day of April, 1956, by every person whose total agricultural income of the previous year exceeds I.G. Rs. 3,000 at the rate specified in the Schedule :

Provided that from the amount so payable there shall be deducted an amount bearing to the amount so payable the same proportion which the period by which the previous year determined in accordance with sub-clause (*i*) of clause (*m*) of section 2 falls short of twelve months bears to twelve months :

Provided further that nothing contained in the foregiong provisions shall affect the limits of exemption of Rs. 10,000 and Rs. 5,000 for the purposes of assessment pertaining respectively to the financial years ending up to 31st March, 1955 and the financial year ending up to 31st March, 1956.]

Determination of Agricultural Income mentioned in clause (*a*) (1) of section 2.

6. The agricultural income mentioned in sub-clause (1) of clause (*a*) of section 2 shall be deemed to be the sum realised in the previous year on account of agricultural income mentioned in the said sub-clause (1) after making the following deductions :-

(*a*) The sum actually paid in the previous year as revenue to the State or as rent to a landlord in respect of the land from which such agricultural income is derived ;

(*b*) the sum actually paid in the previous year in respect of such land as any local cess or rate collected under any law of the Hyderabad State ;

(*c*) a sum equal to 12½ per cent of the total amount of the rent which accrued due in the previous year, in respect of the charges for collecting the same ;

(*d*) any expense incurred on the maintenance of any irrigation or protective work constructed exclusively for the benefit of the land from which such agricultural income is derived;

Explanation.—Maintenance includes current repairs and includes also in the case of protective dykes and embankments all such work as may be necessary from year to year for repairing any damage or destruction caused by flood or other natural causes;

* Substituted by Act. VI of 1956, published in Gazette Extraordinary No. 65, dated the 2nd April, 1956.

(*e*) any expense incurred exclusively on the maintenance of any capital asset purchased or constructed before the 1st day of April 1950, if such maintenance is required in connection with the collection of rent due in respect of the land from which such agricultural income is derived ;

(*f*) interest paid on any amount borrowed and actually spent or any capital expenditure incurred after the said day exclusively for the benefit of the land from which such agricultural income is derived :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such amount as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ;

(*g*) depreciation at the prescribed rate in respect of any capital asset purchased or constructed after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived, or for the purpose of deriving such agricultural income from such land ;

(*h*) any interest paid on any mortgage or any other kind of debt or any interest paid on any other capital charge incurred exclusively for the purpose of acquiring the property from which such agricultural income is derived :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage, debt or charge as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F.;

(*i*) when the property from which such agricultural income is derived is subject to a mortgage created before the 1st day of April 1950, the amount of any interest actually paid on such mortgage :

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ;

(*j*) any Malikana paid by the assessee in respect of the land from which such agricultural income is derived.

Determination of agricultural income mentioned in clause(*a*) (2) and (3) of sec.2.

7. (1) The agricultural income mentioned in sub-clauses (2) and (3) of clause (*a*) of section 2 shall be assessed on the net amount of such income determined in the prescribed manner.

(2) Rules prescribing the manner of determining the net amounts of agricultural income for the purpose of sub-section (1) shall provide that the following deductions shall be made from the gross amounts of such income, namely :—

(*a*) the sum actually paid in the previous year as revenue to the State or as rent to a landlord in respect of the land from which such agricultural income is derived;

(*b*) the sum actually paid in the previous year in respect of such land as any local cess or rate collected under any law of the Hyderabad State;

(*c*) any rate paid to a local fund or as a special rate in respect of any building used exclusively for the purpose of the cultivation of the land from which such agricultural income is derived;

(*d*) any sum paid in respect of the land from which such agricultural income is derived as water cess or tax in accordance with any law or rules for the time being in force;

(*e*) the expenses of cultivating the crop from which such agricultural income is derived, of transporting such crop to market, including the maintenance of agricultural implements and cattle required for the purpose of such cultivation and for transporting the crop to market;

(*f*) any tax, cess or rate paid under any law of the Hyderabad State on the cultivation or sale of the crop from which such agricultural income is derived;

(*g*) (*i*) any expense incurred on the maintenance of any irrigation or protective work constructed exclusively for the benefit of the land from which such agricultural income is derived;

(*ii*) any expense incurred exclusively on the maintenance of any capital asset purchased or constructed before the 1st day of April 1950, if such maintenance is required for the purpose of deriving such agricultural income from such land;

Explanation.--Maintenance includes current repairs and includes also in the case of protective dykes and embankments all such work as may be necessary from year to year for repairing any damage or destruction caused by flood or other natural causes;

(*iii*) interest paid on any amount borrowed and actually spent on any capital expenditure incurred after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived or for the purpose of deriving such agricultural income from such land:

Provided that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such amount as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F.;

(*iv*) depreciation at the prescribed rate in respect of any capital asset purchased or constructed after the commencement of this Act exclusively for the benefit of the land from which such agricultural income is derived or for the purpose of deriving such agricultural income from such land; and

(*v*) any interest paid on any mortgage or other capital charge incurred exclusively for the purpose of acquiring the property from which such agricultural income is derived or for the purpose of cultivation of the property :

Provided that no deduction shall be made under this clause, if it has already been made under section 6 :

Provided further that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage or charge as a borrower under sections 10 and 11 of the Hyderabad Money Lenders' Act, 1349 F. ; and

(*h*) such other deductions as may be prescribed.

Exemptions of charitable or religious trusts.

8. (1) Where the assessee is a trustee and the trust under which he holds is a trust, created before the 1st day of April, 1950 for public purposes of a charitable or religious nature any income applied to any public purpose of a charitable or religious nature, in accordance with the terms of the trust subject to which he holds the property from which such agricultural income is derived, shall not be included in the total agricultural income of such assessee.

(2) In this section, purposes of a charitable nature include relief of the poor, education and medical relief.

Inclusion to prevent evasion of tax.

9. In computing the total agricultural income of an individual for the purpose of assessment, there shall be included—

(*a*) so much of the total agricultural income of a wife or minor child of such individual as arises directly or indirectly—

(*i*) from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart ;

(*ii*) from assets transferred directly or indirectly to the minor child, not being a married daughter, by such individual otherwise than for adequate consideration ;

(*b*) so much of the total agricultural income of any person or association of persons as arises from assets transferred otherwise than for adequate consideration to the person or association by such individual for the benefit of his wife or minor child or both.

Exemption of waqf-alal-aulad.

10. All agricultural income arising from a trust (created before the 1st day of April, 1950) of the description known in Muslim Law as Waqf-alal-aulad shall be excluded from the operation of this Act :

Provided that the share of a beneficiary under such trust shall not be exempted and the tax may be realised from the mutawalli and the basis of taxation shall be the share of each beneficiary.

Explanation.—For the purpose of the section, a beneficiary means the settler, his family, children or descendants.

Assessment of Hindu undivided family.

11. The total agricultural income of a Hindu undivided family shall be treated as the income of the individual and assessed as such :

Provided that if a Hindu undivided family consists--

(*i*) of brothers only, or

(*ii*) of a brother or brothers and the son or sons of a brother or brothers, or

(*iii*) of a brother or brothers and the son or sons of a brother or brothers of the father, or

(*iv*) of a brother or brothers, the son or sons of a brother or brothers and the son or sons of a brother or brothers of the father,

the total agricultural income of the family shall be assessed *[at the rate specified in the Schedule]:

** [Provided that from the financial year commencing on the first day of April 1956 the total agricultural income of the family shall be assessed—

(*a*) at the rate applicable to share of a brother if such share exceeds Rs. 3,000 ;

(*b*) at nine pies in the rupee if the share of the brother is Rs. 3,000 or less.]

Explanation.—For the purposes of this section—

(*i*) the expression "share of a brother," means the portion of the total agricultural income of a Hindu undivided family, which would have been allotted to a brother, if a partition of the property of such family had been effected according to the ordinary rule of Hindu law applicable to such family, on the day before the assessment is made ; and

(*ii*) "son" includes a son's son but does not include the son's son of a brother or brothers of the father.

Assessment of tax on land held for the benefit of several persons.

12. (1) Save as provided in sections 10,13 and 15, if a person holds land on trust from which agricultural income is derived wholly for the benefit of another or partly for his own benefit and partly for the benefit of another, agricultural income-tax shall be assessed on the total agricultural income derived from such land at the rate which would be applicable if such person had held the land as his personal property and exclusively for his own benefit, and the agricultural income-tax so payable shall be assessed on the person holding such land, and he shall be liable to pay the same.

* Substituted by Act No. IV of 1955 published in Gazette Extraordinary No. 45 dated 27th April, 1955.

** Substituted by Act VI of 1956.

(2) Any person holding such land shall be entitled, before paying to any beneficiary the amount of agricultural income which such beneficiary is entitled to receive from the agricultural income derived from such land, to deduct the amount of agricultural income-tax at the rate at which the agricultural income is or will be assessed under sub-section (1).

Explanation.—In this section "beneficiary" means the person for whose benefit agricultural income of the land held on trust is derived.

Assessment of tax on common manager, receiver, etc.

13. Where any person holds land, from which agricultural income is derived, as a common manager appointed under any law for the time being in force or under any agreement or as receiver, administrator or the like on behalf of persons jointly interested in such land or in the agricultural income derived therefrom the aggregate of the sums payable as agricultural income-tax by each person on the agricultural income derived from such land and received by him shall be assessed on such common manager, receiver, administrator or the like, and he shall be deemed to be the assessee in respect of the agricultural income-tax so payable by each such person and shall be liable to pay the same.

Assessment of income derived from lands partly within the State and partly without.

14. Where agricultural income is derived from lands situated partly within the State and partly without the State, agricultural income-tax shall be levied under this Act :—

(*i*) where the portion of such income attributable to the lands situated within the State can be determined from the accounts maintained by the assessee, on the portion so determined ;

(*ii*) where the portion of the income so attributable cannot be determined by the method specified in clause (*i*), on such portion as may be determined in the prescribed manner.

Court of Wards, Administrator, etc.

15. In the case of agricultural income chargeable under this Act, which is received by the Court of Wards, the Administrator or the Official Trustee, the tax shall be levied upon and recoverable from such Court of Wards, Administrator, or Official Trustee, in the like manner and to the same amounts as it would be leviable upon and recoverable from any person on whose behalf such agricultural income is received, and all the provisions of this Act shall apply accordingly.

Exemptions in case of life Insurance.

16. (1) (*a*) Agricultural income-tax shall not be payable by an assessee in respect of any sums paid by him out of his total agricultural income to effect an insurance on his own life or on the life of his wife, or in respect of a contract for a deferred annuity on his own life or on the life of his wife, or as a contribution to any provident fund to which the Provident Funds Act, 1355 F., applies, or in respect of any sum paid by him in the previous year as premium in order to effect any insurance against loss of or damage to land or any crops to be raised thereon

or against risk of damage or destruction of buildings from which agricultural income is derived:

Provided that agricultural income-tax shall be payable on the remainder of the total agricultural income of such assessee at the rate which would have been applicable if such deduction had not been made.

(*b*) Nothing in this sub-section shall be deemed to entitle an assessee, who is assessed to income-tax under the Indian Income-tax Act, 1922, to claim a deduction in respect of any sum paid by him, as mentioned in clause (*a*), if such sum was exempted under section 15 of the said Act.

(2) Where the assessee is a Hindu undivided family, there shall be exempted under sub-section (1) any sums paid to effect an insurance on the life of any member of the family.

(3) The aggregate of any sums exempted under this section shall not exceed one-sixth of the total agricultural income of the assessee.

Carrying forward of loss of profits or gains.

*[16-A. Where any assessee sustains a loss of profits or gains in any year being a previous year not earlier than the previous year for the assessment for the year ending on the 31st day of March, 1951, the loss shall be carried forward to the following year and set off against the profits or gains if any of the assessee from agricultural income for that year and if it cannot be wholly so set off the amount of loss not so set off shall be carried forward to the following year and so on but no loss shall be carried forward for more than six years.]

Marginal adjustment of tax.

17. Agricultural income-tax payable by a person shall, in no case, exceed half the amount by which his total agricultural income exceeds the maximum amount not chargeable to agricultural income-tax.

CHAPTER III.

Income-Tax Authorities.

Income-tax authorities.

18. (1) There shall be the following classes of income-tax authorities for the purposes of this Act, namely:—

(*a*) Commissioner of Agricultural Income-tax;

(*b*) Deputy Commissioners of Agricultural Income-tax;

(*c*) Agricultural Income-tax Officers.

(2) The authorities specified in sub-section (1) shall be appointed by the Government and shall exercise and perform in such areas as the Government may, by notification, determine, prescribed powers and duties, and their conditions of service, and their relation to each other shall be such as may be prescribed.

*Added by Act No. XVII of 1951, published in Gazette No. (16) dated the 19th April, 1951.

(3) The Government may, by notification, empower any officer, other than the authorities specified in sub-section (1), to exercise such powers and perform such functions and duties under this Act in respect of such classes of persons or classes of income and in such areas, as may be specified in the notification.

(4) The persons appointed as authorities specified in sub-section (1) shall be deemed to be public servants within the meaning of the Hyderabad Penal Code.

CHAPTER IV.

ASSESSMENT, DEDUCTIONS AND EXEMPTIONS.

Return of agricultural income.

19. (1) The principal officer of every company shall in each year furnish to the Agricultural Income-tax Officer on or before the 15th day of June or such other date as may be fixed by the Commissioner in this behalf a return in the prescribed form and verified in the prescribed manner, of the total agricultural income of the company during the previous year :

Provided that the Agricultural Income-tax Officer may, in his discretion, extend the date for the delivery of the return in the case of any company or class of companies and in a case where a company's accounts are closed at the end of May, the Agricultural Income-tax Officer, without prejudice to the generality of his powers, shall extend the date to the end of July.

(2) In the case of any person not being a company whose total agricultural income is, in the opinion of the Agricultural Income-tax Officer, of such an amount as to render such person liable to agricultural income-tax for any financial year, the Agricultural Income-tax Officer may serve in that year a notice upon him requiring him to furnish, within such period, not being less than thirty days, as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner setting forth, along with such other particulars as may be provided for in the notice, his total agricultural income during the previous year :

Provided that the Agricultural Income-tax Officer may, in his discretion, extend the date for the delivery of the return.

(3) If any person has not furnished a return within the time allowed by or under sub-section (1) or sub-section (2), or, having furnished a return under either of those sub-sections, discovers any omission or wrong statement therein he may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

Assessment.

20. (1) If the Agricultural Income-tax Officer is satisfied that a return made under section 19 is correct and complete, he shall, by order in writing, assess the total agricultural income of the assessee, and determine the sum payable by him on the basis of such return.

(2) If the Agricultural Income-tax Officer is not satisfied that the return is correct and complete, he shall serve on the person who made the return a notice requiring him on the date specified therein, either to attend at the office of the Agricultural Income-tax Officer or to produce, or to cause to be there produced, any evidence on which such person may rely in support of the return.

(3) On the day specified in the notice issued under sub-section (2) or as soon afterwards as may be, the Agricultural Income-tax Officer, after hearing such evidence as such person may produce and such other evidence as the Agricultural Income-tax Officer may require on specified points, shall, by an order in writing, assess the total agricultural income of the assessee and determine the sum payable by him on such assessment.

(4) If any person fails to make a return under sub-section (1) or sub-section (2) of section 19, or, having made the return, fails to comply with all the terms of the notice issued under sub-section (2) of this section, or to produce any evidence required under sub-section (3) of this section, the Agricultural Income-tax Officer shall make the assessment to the best of his judgement and determine the sum payable by the assessee on the basis of such assessment :

Provided that before making such assessment, the Agricultural Income-tax Officer may allow the assessee such further time as he thinks fit to make the return or to comply with the terms of the notice or to produce the evidence.

Penalty for concealment of income.

21. (1) If the Commissioner, the Deputy Commissioner or the Agricultural Income-tax Officer, in the course of any proceeding under this Act, is satisfied that an assessee has concealed the particulars of his agricultural income or has deliberately furnished inaccurate particulars of such income and has thereby returned it below its real amount, he may direct that the assessee shall, in addition to the agricultural income-tax payable by him, pay by way of penalty a sum not exceeding the amount of agricultural income-tax which would have been avoided if the agricultural income so returned by the assessee had been accepted as the correct income :

Provided that no such order shall be made unless the assessee has been heard, or has been given a reasonable opportunity of being heard.

(2) No prosecution for an offence against this Act shall be instituted in respect of the facts on which a penalty has been imposed under this section.

(3) If the Commissioner or the Deputy Commissioner makes an order under sub-section (1), he shall forthwith send a copy of the same to the Agricultural Income-tax Officer.

Tax of deceased person payable by representative.

22. (1) Where a person dies, his executor, administrator or other legal representative shall be liable to pay out of the estate of the deceased person to the extent to which the estate is capable of meeting the charge the agricultural income-tax assessed as

payable by such person or any agricultural income-tax which would have been payable by him under this Act if he had not died.

(2) Where a person dies before he furnishes a return as required under the provision of sub-section (1) of section 19 or before he is served with a notice under sub-section (2) of that section or under section 27, as the case may be, the Agricultural Income-tax Officer may serve on his executor, administrator or other legal representative a notice under sub-section (2) of section 19 or under section 27, as the case may be, and may proceed to assess the total agricultural income of the deceased person as if such executor, administrator or other legal representative, were the assessee.

(3) Where a person dies, without having furnished a return which he has been required to furnish under the provisions of section 19 or having furnished a return which the Agricultural Income-tax Officer has reason to believe to be incorrect or incomplete, the Agricultural Income-tax Officer may make an assessment of the total agricultural income of such person and determine the tax payable by him on the basis of such assessment, and for this purpose may require from the executor, administrator or other legal representatives of the deceased person any accounts, documents or other evidence which he might under the provisions of sub-sections (2) and (3) of section 20 have required from the deceased person.

Notice of demand.

23. When any tax or penalty is due in consequence of any order passed under or in pursuance of this Act, the Agricultural Income-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum so payable.

Appeal against assessment under this Act.

24. (1) Any assessee objecting to the amount of income assessed or rate at which he is assessed under section 20, or denying his liability to be assessed under this Act or objecting to any order under section 21 made against him by the Agricultural Income-tax-Officer, may appeal to the prescribed authority against the assessment or against such order.

(2) Every appeal under this section shall ordinarily be presented within the prescribed period, but the authority before whom the appeal is filed may admit an appeal after the expiration of the prescribed period, if such authority is satisfied that the appellant had sufficient cause for not presenting it within the prescribed period.

(3) The prescribed authority shall fix a day and place for the hearing of the appeal and may from time to time adjourn the hearing and make such further inquiry as it thinks fit.

(4) Every appeal under this section shall be presented in the prescribed form and shall be verified in the prescribed manner.

(5) In disposing of an appeal, the prescribed authority may—

(*i*) in the case of an order of assessment—

(*a*) confirm, reduce, enhance or annul the assessment;

(*b*) set aside the assessment and direct the Agricultural Income-tax Officer to make a fresh assessment after such further inquiry as may be directed; or

(*ii*) in the case of an order under section 21 confirm, cancel or vary such order:

Provided that no enhancement of an assessment shall be made under this section, unless the appellant has had a reasonable opportunity of being heard against such enhancement.

Power of revision.

25. (1) The Commissioner may, of his own motion or on application by an assessee, call for the record of any proceeding under this Act.

(2) On receipt of the record, the Commissioner may make such inquiry, or cause such inquiry to be made, and, subject to the provisions of this Act, may pass such orders thereon as he thinks fit:

Provided that the Commissioner shall not revise any order unless the proceeding for the revision of such order has been initiated within three years of the date of such order:

Provided further that the Commissioner shall not pass any order prejudicial to an assessee without hearing him or giving him a reasonable opportunity of being heard:

Provided also that an order of the Commissioner declining to interfere shall not be deemed to be an order prejudicial to the assessee.

(3) An application for revision under this section shall be made within such period as may be prescribed but the Commissioner may admit an application made after the expiration of the said period if he is satisfied that the applicant had sufficient cause for not making it within the said period.

Reference of case by Commissioner to High Court.

26. (1) If, in the course of any assessment under this Act or any proceeding in connection therewith other than a proceeding under Chapter VI, a question of law arises, the Commissioner may either of his own motion or on reference from any agricultural income-tax authority subordinate to him, draw up a statement of the case and refer it with his own opinion thereon to the High Court.

(2) Within sixty days of the date on which he is served with notice of an order under section 24 or of an order under section 25 enhancing an assessment or otherwise prejudicial to him, the assessee in respect of whom the order or decision was passed may, by application accompanied by a fee of one hundred rupees or such lesser sum as may be prescribed, require the Commissioner to refer to the High Court any question of law arising out of such order or decision, and the Commissioner shall within sixty days of the receipt of such application, draw up a statement of the case and refer it with his own opinion thereon to the High Court:

Provided that a reference shall lie from an order under section 24 only on a question of law arising out of that order itself, and not on a question of law arising out of a previous order under section 25 revised by the order under section 25 :

Provided further that in the case of a reference from an order under section 24, in computing the period of sixty days from the date on which the assessee was served with notice of the said order, the time during which any proceeding under section 25 in respect of the said order were pending, shall be excluded :

Provided lastly that, if, in exercise of his power of revision under section 25, the Commissioner decides the question or if the Commissioner rejects the application on the ground that it is time barred or otherwise incompetent, or if, in exercise of his power under sub-section (3) the Commissioner refuses to state the case, the assessee may, within thirty days from the date on which he receives notice of the order, passed by the Commissioner, withdraw his application, and if he does so, the fee paid shall be refunded.

(3) If, on any application being made under sub-section (2), the Commissioner refuses to state the case on the ground that no question of law arises, the assessee may apply, within six months from the date on which he is served with notice of the refusal, to the High Court, and the High Court, if it is not satisfied of the correctness of the decision of the Commissioner, may require him to state the case and to refer it and, on receipt of any such requisition, the Commissioner shall state and refer the case accordingly.

(4) If, on any application being made under sub-section (2), the Commissioner rejects it on the ground that it is time-barred the assessee may, within two months from the date on which he is served with notice of the order of the Commissioner, apply to the High Court, and the High Court if it is not satisfied of the correctness of the decision of the Commissioner, may require the Commissioner to treat the application as made within the time allowed under sub-section (2).

(5) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, the Court may refer the case back to the Commissioner to make such additions thereto or alterations therein as the Court may direct in that behalf.

(6) The High Court upon the hearing of any such case shall decide the questions of law raised therby, and shall deliver its judgement thereon containing the grounds on which such decision is founded, and shall send to the Commissioner a copy of such judgement under the seal of the Court and the signature of the Registrar, and the Commissioner shall dispose of the case accordingly, or, if the case arose on a reference from any agricultural income-tax authority subordinate to him, shall forward a copy of such judgment to such authority who shall dispose of the case conformably to such judgment.

(7) Where a reference is made to the High Court on the application of an assessee, the cost shall be in the discretion of the Court.

(8) Notwithstanding that a reference has been made under this section to the High Court, agricultural income-tax shall be payable in accordance with the assessment made in the case:

Provided that, if the amount of an assessment is reduced as a result of such reference, the amount overpaid shall be refunded with such interest as the Commissioner may allow.

(9) Section 5 of the Hyderabad Limitation Act, 1322 F. shall apply to an application to the High Court by an assessee under sub-section (3) or sub-section (4).

Income escaping assessment.

27. If in consequence of definite information which has come into his possession, the Agricultural Income-tax Officer discovers that any agricultural income chargeable to agricultural income-tax has escaped assessment in any year or has been under assessed, or has been assessed at too low a rate, or has been the subject of excessive relief under this Act, the Agricultural Income-tax Officer may, in any case in which he has reason to believe that the assessee has concealed the particulars of his agricultural income or deliberately furnished inaccurate particulars thereof, at any time within six years and in any other case at any time within three years of the end of that year, serve on the person liable to pay agricultural income-tax on such agricultural income or, in the case of a company, on the principal officer of such company, a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of section 19 and may proceed to assess or reassess such income, and the provisions of this Act shall, so far as may be, apply accordingly as if the notice were a notice issued under that sub-section:

Provided that the agricultural income-tax shall be charged at the rate at which it would have been charged, had the agricultural income not escaped assessment or full assessment as the case may be:

*[Provided further that for purposes of assessment of the agricultural income for the year 1952-53 the period within which a notice may be served shall, in respect of cases other than those in which the Agricultural Income-tax Officer has reason to believe that an assessee has concealed the particulars of his agricultural income or deliberately furnished inaccurate particulars thereof, be four years.]

Rectification of mistake.

28. (1) The authority which passed an order on appeal or revision may, at any time within one year from the date of such order, and the Agricultural Income-tax Officer may, at any time within one year from the date of any demand made upon an assessee, of his own motion, rectify any mistake apparent from the record of the appeal, revision or assessment, as the case may be, and shall within the like period rectify any such mistake as has been brought to his notice by such assessee:

Provided that no such rectification, shall, if it has the effect of enhancing an assessment, or reducing a refund, be made, unless

*Added by Act. No. VI of 1956, published in Gazette Extraordinary No. 65, 2nd April, 1956.

the appellate or revisional authority or the Agricultural Income-tax Officer, as the case may be, has given notice to the assessee of his intention so to do and has allowed him a reasonable opportunity of being heard.

(2) Where any such rectification has the effect of reducing the assessment, the Agricultural Income-tax Officer shall make any refund which may be due to such assessee.

(3) Where any such rectification has the effect of enhancing an assessment or reducing a refund, the Agricultural Income-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable and such notice of demand shall be deemed to be issued under section 23, and the provisions of this Act shall apply accordingly.

Tax to be collected to the nearest anna.

29. In the determination of the amount of agricultural income tax or of a refund payable under this Act, fractions of a rupee equal to eight or less than eight annas shall be disregarded and a fraction of a rupee exceeding eight annas shall be regarded as one rupee.

Power to take evidence on oath.

30. The Commissioner, the Deputy Commissioner, and the Agricultural Income-tax Officer, shall for the purposes of this chapter, have the same powers as are vested in a Court under the Code of Civil Procedure, 1323 F., when trying a suit in respect of the following matters namely:—

(*a*) enforcing the attendance of any person and examining him on oath or affirmation;

(*b*) compelling the production of documents; and

(*c*) issuing commissions for the examination of witnesses;

any such proceeding before such Commissioner, Deputy Commissioner,or Agricultural Income-tax Officer under this chapter shall be deemed to be a "judicial proceeding" within the meaning of sections 179 and 205 and for the purpose of section 172 of the Hyderabad Penal Code.

Bar to recovery of rent in excess of that mentioned in rent-roll.

31. (1) If any person assessed to agricultural income-tax in respect of agricultural income mentioned in sub-clause (1) of clause (*a*) of section 2 produces before the Agricultural Income-tax Officer, for the purpose of calculating his agricultural income, any rent-roll or other document showing the amount of rent received by him he shall not be entitled to recover by suit or otherwise rent due to him in respect of any tenure or holding included in his return at a rate higher than the rate mentioned in such rent-roll or document in respect of such tenure or holding, unless the rent thereof has, since the date of return, been lawfully enhanced.

(2) Any person who has produced a rent-roll or other document referred to in sub-section (1) may, within one year of producing such rent-roll or document, apply to the Agricultural Income-tax Officer to make any correction therein, and the Agricultural Income-tax Officer may, if he is satisfied that such correction should be made, pass an order correcting such rent-roll or document.

(3) Where the Agricultural Income-tax Officer passes any order under sub-section (2) he may assess under section 27 any income escaping assessment by reason of the original incorrectness of any entry corrected.

Power to call for information.

32. The Deputy Commissioner or the Agricultural Income-tax Officer may, for the purposes of this Act—

(1) require any firm or Hindu undivided family to furnish him with a return of the names of members of the firm or of the names of the manager or the brothers and sons of brothers of the family as the case may be, and of their addresses;

(2) require any person whom he has reason to believe to be a trustee, guardian or agent to furnish him with a return of the names of the persons for or of whom he is a trustee, guardian or agent and of their addresses.

CHAPTER V.

RECOVERY OF TAXES AND PENALTIES.

Tax when payable.

33. (1) Any amount specified as payable in a notice of demand under section 23 shall be paid at the place specified in the notice, and within thirty days from the date of the service of the notice, and any assessee failing so to pay shall be deemed to be in default:

Provided that where an assessee has presented an appeal under section 24, the Agricultural Income-tax Officer may, in his discretion, treat the assessee as not being in default so long as such appeal is undisposed of.

(2) If an assessee makes an application within the time mentioned in the notice of demand under section 23 or an order under section 24 or 25 for being allowed to pay the tax due by instalments, the Agricultural Income-tax Officer may, in his discretion, by order in writing, allow the assessee to pay the tax due in instalments not exceeding four in number at such intervals as the said officer may fix in his discretion:

Provided that if, as a result of an application made by the assessee, the Agricultural Income-tax Officer allows the assessee to pay the tax due in instalments, the assessee shall be deemed to have waived all his rights of appeal under this Act:

Provided further that if, on being allowed to pay the tax due by instalments, the assessee defaults in the payment of any one instalment, he shall be deemed to be a defaulter in respect of the total remaining amount of tax due.

Mode and time of recovery.

34. (1) When an assessee is in default in making a payment of agricultural income-tax, the Agricultural Income-tax Officer may, in his discretion, direct that, in addition to the amount of the arrears, a sum not exceeding half that amount shall be recovered from the assessee by way of penalty.

(2) For the purposes of sub-section (1), the Agricultural Income-tax Officer may direct the recovery of any sum less than half the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed half the amount of the arrears payable.

(3) When an assessee is in default, the Agricultural Income-tax Officer may forward to the Taluqdar a certificate under his signature, specifying the amount of arrears due from the assessee, and the Taluqdar, on receipt of such certificate, shall proceed to recover from such assessee the amount specified therein as a public demand payable to the Taluqdar.

(4) When agricultural income-tax is, under section 8 payable by a trustee, or under section 10, payable by the Mutawalli of a trust of the description referred to in that section, and such trustee or Mutawalli is in default, the Agricultural Income-tax Officer may forward to the Taluqdar a certificate under his signature specifying the amount of arrears due from the assessee, and the Taluqdar on receipt of such certificate shall proceed to recover from such trustee or Mutawalli the amount specified therein as a public demand:

Provided that without prejudice to any other powers of the Taluqdar in this behalf, he shall for the purpose of recovering the said amount have the powers which under the Civil Procedure Code, 1323 F., a Civil Court has for the purpose of the recovery of an amount due under a decree.

(5) No proceeding for the recovery of any sum payable under this Act shall be commenced after the expiration of three years after—

(*a*) the last date on which the sum is payable without the assessee being deemed to be in default; or

(*b*) the date on which the last instalment fixed under sub-section (2) of section 33 falls due.

Recovery of penalties.

35. Any sum imposed by way of penalty under the provisions of section 21, or section 34 shall be recoverable in the manner provided in this chapter for the recovery of an arrear of tax.

Right, title and interest of a member of Hindu undivided family or of other persons on whose behalf property is held to pass to the purchaser when property is sold for realisation of arrears of tax.

36. (1) Where any property of a Hindu undivided family is sold under the said Act for the realization of arrears of agricultural income-tax, the right, title and interest of all members of such family in the property shall pass to the purchaser.

(2) Where any person has been assessed to agricultural income-tax on the agricultural income derived from land held by him wholly or partly for the benefit of other persons and the tax payable by him is in arrear, the land so held by him may be attached and sold for the realization of such arrears, and on such sale, the right, title and interest of such persons in the said land shall pass to the purchaser.

CHAPTER VI.

OFFENCES AND PENALTIES.

False statement in declaration.

37. If any person makes a statement in a verification mentioned in section 19 or section 24 which is false, and which he either knows or believes to be false, or does not believe to be

true, he shall be punishable, on conviction before a Magistrate, with simple imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Prosecution to be at the instance of the Deputy Commissioner.

38. (1) A person shall not be proceeded against for an offence under section 37 except at the instance of the Deputy Commissioner.

(2) Before instituting proceedings against any person under sub-section (1), the Deputy Commissioner shall call upon such person to show cause why proceedings should not be instituted against him.

(3) The Deputy Commissioner may stay any such proceeding or compound any such offence.

Disclosure of information by public servant.

39. (1) All particulars contained in any statement made, return furnished, or accounts or documents produced under the provisions of this Act, or in any evidence given or affidavit or deposition made, in the course of any proceedings under this Act other than proceedings under this chapter, or in any record of an assessment proceeding or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall be treated as confidential, and notwithstanding anything contained in the Hyderabad Evidence Act, II of 1313 F., no Court shall, save as provided in this Act, be entitled to require any public servant to produce before it any such return, accounts, document or record or any part of such record or to give evidence before it in respect thereof.

(2) If, save as provided in sub-section (3), a public servant discloses any particulars contained in any such statement, return, accounts, document, evidence, affidavit, deposition or record, he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine.

(3) Nothing contained in this section shall apply to the disclosure —

(*a*) of any such particulars for the purpose of a prosecution under the Hyderabad Penal Code, in respect of any such statement, return, accounts, document, evidence, affidavit or deposition for the purposes of a prosecution under this Act ; or

(*b*) of any such particulars to any person acting in the execution, of this Act where it is necessary to disclose the same to him for the purposes of this Act ; or

(*c*) of any such particulars occasioned by the lawful employment under this Act of any process for the service of any notice or the recovery of any demand ; or

(*d*) of any such particulars to a Civil Court in any suit to which the Government is a party which relates to any matter arising out of any proceeding under this Act ; or

(*e*) of any such particulars to any officer appointed to audit agricultural income-tax receipts or refunds ; or

(*f*) of any such particulars relevant to any inquiry into the conduct of an official of the Agricultural Income-tax Department to any persons appointed to hold such inquiry; or

(*g*) of such facts to an officer of the Central Government as may be necessary for the purpose of enabling that Government to levy or realise any tax or duty imposed by it; or

(*h*) of any such particulars occasioned by the lawful exercise by a public servant of his powers under the Hyderabad Stamp Act, 1331 F. to impound an insufficiently stamped document; or

(*i*) of such facts to any person charged by law with the duty of inquiring into the qualifications of electors, as may be necessary to establish whether a person is or is not entitled to be entered on an electoral roll; or

(*j*) of any such particulars relevant to an inquiry into a charge of misconduct in connection with income-tax proceedings against a lawyer or accountant to the authority empowerd to take cognizance of such charge; or

(*k*) of any such particulars to any assessee or his legal representative as may be necessary to furnish copies of documents or statements submitted by the assessee under this Act and to establish the correctness thereof.

Cognizance of offences.

40. (1) No Court shall take cognizance of any offence under this Act, or the rules made thereunder, except with the previous sanction of the Deputy Commissioner, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

(2) Notwithstanding anything contained in the Hyderabad Criminal Procedure Code, all offences punishable under this Act shall be cognizable and bailable.

CHAPTER VII.

MISCELLANEOUS.

Place of assessment.

41. (1) Subject to any orders passed under sub-section (2), the agricultural income of a person shall be assessed by the Agricultural Income-tax Officer of the area in which is situated the land from which the greater part of the agricultural income of such person is derived:

Provided that where an assessee has made a return under sub-section (1) of section 19 to the Agricultural Income-tax Officer having jurisdiction over the assessee's place of residence or the place where any of his lands are situated or where his accounts are maintained, he shall be deemed to have elected such place as his place of assessment and it shall be accepted by the officer concerned unless for reasons to be recorded in writing, he passes an order that the assessment shall be made in any other place.

(2) (*a*) An assessee who has not made a return under section 19 may at any time before the expiry of the time allowed for the submission of the return, apply to the Agricultural Income-tax Officer of the area in which is situated the land from which the greater part of the agricultural income of the assessee is derived, to be assessed at his usual place of residence or at the place where the accounts relating to his agricultural income are kept, if either of such places is situated in the Hyderabad State and the Agricultural Income-tax Officer shall refer the matter to the Deputy Commissioner whose decision thereon shall be final.

(*b*) Where an order is passed under clause (*a*), the assessee shall not be entitled to make any further application to change his place of assessment:

Provided that the Agricultural Income-tax Officer may allow the assessee to be assessed at any other place upon such conditions as he thinks fit.

(3) Notwithstanding anything contained in this section, every Agricultural Income-tax Officer shall have all the powers conferred by or under this Act on the Agricultural Income-tax Officer in respect of any agricultural income derived from land situated within the area to which he is appointed.

Bar of suits in Civil Courts.

42. No suit shall be brought in any Civil Court to set aside or modify any assessment made under this Act, and no prosecution, suit or other proceeding shall lie against any officer of the State for anything in good faith done or intended to be done under this Act.

Computation of periods of limitation.

43. In computing the period of limitation prescribed for any appeal under this Act, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

Appearance by authorised representative.

44. Any assessee, who is entitled or required to attend before any agricultural income-tax authority in connection with any proceeding under this Act, otherwise than when required under section 30 to attend personally for examination on oath or affirmation, may attend either in person or by any person authorised by him in writing in this behalf.

Receipts to be given.

45. A receipt shall be given for any money paid or recovered under this Act.

Service of notices.

46. (1) A notice or requisition under this Act may be served on the person therein named either by post or, as if it were a summons issued by a Court, under the Code of Civil Procedure, 1323 F.

(2) Any such notice or requisition may, in the case of a firm or a Hindu undivided family, be addressed to any member of the firm or to the manager, or any adult male member of the family, and, in the case of any other association of individuals, be addressed to the principal officer thereof; and any such notice

or requisition so addressed shall be deemed to be a notice or requisition to the firm, family or association of individuals, as the case may be.

Indemnity.

47. Every person deducting, retaining or paying any tax in pursuance of this Act in respect of any agricultural income belonging to any other person is hereby indemnified for the deduction, retention or payment thereof.

Powers of agricultural income-tax authorities to call for papers or documents.

48. Nothing in this Act shall be deemed to authorise any of the agricultural income-tax authorities mentioned in section 18 to call for any papers or documents for the purpose of ascertaining agricultural income or for any other purpose under this Act except the papers noted below:—

(1) papers showing the amount of rent which accrued due in the previous year;

(2) papers showing the actual receipt of agricultural income by an assessee in the previous year;

(3) ledgers showing the actual expenditure incurred for which a deduction or exemption is claimed under this Act;

(4) original vouchers supporting the items of expenditure referred to in clause (3); and

(5) any other paper which in the opinion of any of the agricultural income-tax authorities is relevant to the ascertainment of the agricultural income of an assessee or the verification of claims for deduction or exemption made by an assessee.

Power to seize papers, etc., and search premises.

49. (1) If the Agricultural Income-tax Officer has reason to believe that any person is attempting to evade the payment of any tax due from him under this Act, he may, for reasons to be recorded in writing, seize or take copies of or cause copies to be taken of any register of members debentures, mortgage deeds, rent-roll and batai, counterfoils of rent, receipts, cash books, ledgers and other documents which, in the opinion of the Agricultural Income-tax Officer, are relevant to the ascertainment of the agricultural income of such person, and shall grant a receipt for any of the papers or documents so seized and shall retain the same only for so long as may be neceesary for examination thereof or for a prosecution.

(2) For the purposes of this section, the Agricultural Income-tax Officer may enter and search the office premises of such person.

Power to make rules.

50. (1) The Government may, after previous publication, make rules for carrying out the purposes of this Act, and such rules may be made for the whole of the State or for such part thereof as may be specified.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

(*a*) prescribe the manner in which, and the procedure by which, the net agricultural income of a person referred to in sub-section (1) of section 7 shall be determined;

(*b*) prescribe the rate of depreciation in respect of capital assets referred to in sub-clause (*iv*) of clause (*g*) of sub-section (2) of section 7;

(*c*) prescribe deductions, other than the deductions mentioned in clauses (*a*) to (*g*) of sub-section (2) of section 7, to be made in the computation of the net agricultural income;

(*d*) prescribe the manner in which, and the procedure by which the portion of the agricultural income referred to in clause (*ii*) of section 14 shall be determined;

(*e*) prescribe the powers, functions and duties of agricultural income-tax authorities, the area in which such powers, functions and duties shall be exercised and performed, the relation of such authorities to each other and the conditions of service of such authorities;

(*f*) prescribe the form of returns under section 19 and the manner in which they shall be verified;

(*g*) prescribe the form of the notice of demand mentioned in section 23 and in sub-section (3) of section 28;

(*h*) prescribe the authority to whom appeals may be preferred under sub-section (1) of section 24, the period not being less than thirty days, within which such appeals shall be presented, the form of such appeals and the manner in which they shall be verified;

(*i*) prescribe the period within which applications for revision referred to in sub-section (3) of section 25 shall be made;

(*j*) prescribe the fee mentioned in sub-section (2) of section 26;

(*k*) prescribe the method by which the assessment of agricultural income as determined under section 6 or section 7 shall be made in the case of an assessee who does not reside in the Hyderabad State, or of an assessee who resides in the Hyderabad State and is temporarily absent therefrom;

(*l*) prescribe the manner in which the tax payable by an assessee who has died since the date of assessment made on him shall be payable;

(*m*) prescribe the manner in which the tax shall be payable where the assessment is made on the agricultural income of a Hindu undivided family and a partition of the property of such family has been effected after the date of such assessment;

(*n*) provide for the circumstances in which refunds of the tax paid under this Act shall be made and prescribe the manner in which such refunds shall be made;

(*o*) prescribe fees incidental to the disposal of appeals, applications for revision, and any other application or petition filed before any of the agricultural income-tax authorites referred to in section 18; and

(*p*) provide for any other matter which by this Act has to be or may be prescribed.

Saving of Act VIII of 1357 F. tax for the year 1359F.

51. (1) Nothing in this Act shall affect the continued application of the Income-tax Act, 1357F. (hereinafter in this section referred to as the said Act) to the assessment and levy of the tax payable by any person for the year 1357 F., or the year 1358 F., and to all matters arising out of such assessment and levy.

*[(1-A) Notwithstanding anything contained in sub-section (1) and notwithstanding the fact that the period of three years referred to in sub-section (1) of section 46 of the said Act has expired in any case, an assessment and levy of tax on agricultural-income as defined in this Act shall be made for the year 1357 F., and also for the year 1358 F., by Agricultural Income-tax Officers appointed for the purpose, so far as may be in accordance with the provisions of the said Act which shall, however, be read as though the second proviso to clause (4) of section 2 thereof were omitted and the words 'three years' in sub-section (1) of section 46 thereof, were replaced by the words 'four years':

Provided that nothing in this sub-section shall authorise the reopening of an assessment which has already completed.]

(2) Where the assessment of the income-tax payable by an assessee for the year 1359 F., under the said Act has been completed before the 1st day of April 1950, nothing in this Act shall affect the assessment, and appeals from, and all other proceedings arising out of, the assessment shall be regulated by the said Act.

(3) Where the assessment of the income-tax payable by an assessee for the year 1359 F., under the said Act has not been completed before the 1st day of April 1950, the tax so payable shall be assessed in accordance with the provisions of the said Act on the assessee's agricultural income as defined in this Act of the previous year as determined under the said Act, and appeals from, and all, other, proceedings arising out of, the assessment shall be regulated by this Act.

(4) Subject to the provisions of sub-sections (1), *[(1-A)], (2) and (3), the said Act shall cease to have effect.

** [THE SCHEDULE.

(See Section 5).

		Rate (pies in the Rupee)
1.	On the first Rs 2,000 of total income	Nil
2.	On the next Rs. 3,500 of total income	9
3.	On the next Rs. 5,000 of total income	18
4.	On the next Rs. 5,000 of total income	36
5.	On the balance of total income	48.]

*Added by Act No. XXXVII of 1951, published in Extraordinary Gazette No. (60), dated 20th December, 1951.

**Substituted by Act No. VI of 1956, published in Gazette Extraordinary No. 65 Dated 2nd April, 1956